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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

IN RE:VOLKSWAGEN “CLEAN DIESEL”  
MARKETING, SALES PRACTICES, AND  
PRODUCTS LIABILITY LITIGATION

MDL No. 2672 CRB (JSC)

\_\_\_\_\_  
This Order Relates to:

ALL ACTIONS  
(except securities actions)  
\_\_\_\_\_

**STIPULATED PROTECTIVE ORDER  
REGARDING PUBLIC COMMENTS ON  
2.0 LITER SETTLEMENT**

WHEREAS, on June 28, 2016, the United States on behalf of the Environmental Protection Agency (“EPA”), the People of the State of California, by and through the California Air Resources Board and Kamala D. Harris, Attorney General of the State of California (“California”), the United States Federal Trade Commission (“FTC”), and the Plaintiffs’ Steering Committee (“PSC”)

1 (collectively, “Plaintiffs”), filed proposed settlements with one or more of Volkswagen AG, Audi AG,  
2 Volkswagen Group of America, Inc., and Volkswagen Group of America Chattanooga Operations,  
3 LLC (collectively, “Defendants,” and, together with Plaintiffs, the “Parties”), resolving certain claims  
4 related to certain 2.0 liter diesel vehicles;

5 WHEREAS, consistent with the requirements of 28 C.F.R. § 50.7, the United States’ proposed  
6 settlement with Defendants has been subject to a public notice and comment period of not less than 30  
7 days, with such public comment period closing on August 5, 2016;

8 WHEREAS, as part of the United States’ public comment process, the United States has  
9 received many comments from members of the public and affected vehicle owners and lessees (“Public  
10 Comments”) that bear on the terms of the United States/California, FTC and PSC proposed settlements;

11 WHEREAS, many of the Public Comments received by the United States contain personal  
12 identifying information (“PII”) of the commenter(s), including addresses, home telephone numbers,  
13 email addresses, and VIN numbers of affected vehicles;

14 WHEREAS, to the extent that such PII is protected by the Privacy Act of 1974, 5 U.S.C. § 552a,  
15 which prohibits the disclosure by any agency of the federal government of any record about an  
16 individual from a system of records absent the written consent of the individual, it may nevertheless be  
17 disclosed “pursuant to the order of a court of competent jurisdiction.” 5 U.S.C. § 552a(b)(11).

18 WHEREAS, the Parties and the Court agree that due to the unique circumstances of the three  
19 coordinated and interrelated settlements that were filed on June 28, it is in the interest of all Parties and  
20 the public that the United States be able to share the relevant Public Comments on the proposed  
21 settlements with the other Parties while maintaining the privacy rights of individuals and protecting the  
22 confidentiality of PII contained in the Public Comments;

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1 WHEREAS, the Parties and the Court agree that good cause exists for issuance of an order  
2 permitting limited disclosure by the United States of the PII contained in the Public Comments;

3 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the  
4 Parties:

5 The United States, acting on behalf of EPA, is authorized to share with the other Parties any  
6 Public Comments received by the United States as part of the public notice and comment period in  
7 connection with the United States'/California's partial settlement filed on June 28, 2016, notice of  
8 which was published in the Federal Register on July 6, 2016, 81 Fed. Reg. 44051.

9 All Parties are ordered to maintain the confidentiality of any PII contained in the Public  
10 Comments. No person having access to the Public Comments shall make public disclosure of any  
11 information contained in the Public Comments without further order of the Court or agreement among  
12 the Parties. Nothing herein shall restrict the United States in its authorized use of the information  
13 contained in the Public Comments subject to this Order, including making any Public Comments  
14 available to the general public and to the Court in a subsequent motion relating to the United  
15 States'/California's proposed settlement.

16 Any person found to be in violation of this Order is subject to the imposition of sanctions.

17 Dated: August 16, 2016

Respectfully submitted,

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Dated: August 16, 2016

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8 *Defendants*

9  
10 PURSUANT TO STIPULATION, IT IS SO ORDERED.

11 DATED: August 39, 2016



12 CHARLES R. BREYER  
13 United States District Judge  
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